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The American Consul General at Hong Kong reported to the Department of State that a Cathay Pacific Airways Company commercial airliner on a routine flight from Bangkok to Hong Kong was deliberately shot down by two Chinese Communist-based fighter aircraft about 30 miles south of Hainan Island at 6:45 a.m., July 23, 1954 (local time). Three Americans, Leonard L. Parish of Iowa Park, Tex., and his two sons, Laurence, age 4, and Phillip, age 2, lost their lives; Mrs. Parish and her daughter, Valerie, age 6, survived. Peter S. Thatcher of Stonington, Conn., also survived. The Chinese Communist Government was, at the time, unrecognized by the United States but recognized by the United Kingdom. In announcing the incident to the press, Secretary of State Dulles stated:

"The U.S. Government takes the gravest view of this act of further barbarity for which the Chinese Communist regime must be held responsible."

On July 26, 1954, Secretary of State Dulles stated:

"As I announced on Saturday, July 24, the Secretary of Defense had ordered two United States aircraft carriers to proceed to the scene of the Chinese Communist assault upon the British commercial airliner which resulted in the death of three Americans and the wounding of three others. The mission as stated then of these ships and their planes was to conduct and protect further rescue and search operations in the vicinity of the tragedy."

"This Government is now informed that two United States carrier-based planes of the rescue type, while conducting their mission of mercy and seeking possible survivors, were attacked over the high seas by two Chinese Communist fighter aircraft apparently of the same type as shot down the Cathay Pacific commercial airliner. The United States planes returned the fire and the two Chinese Communist planes were shot down. There were no casualties on the United States side."

"The United States plans to protest most vigorously against this further evidence of Chinese Communist brutality and the belligerent interference with a humanitarian rescue operation being conducted over the high seas."

On July 27, 1954, the Department of State issued the following press release:

"The United States Government has requested the British Government to instruct its representative at Peiping to present to the top authorities of the Chinese Communist regime the vigorous protest of the U.S. Government against the barbarous and lawful attack on July 23, 1954, at approximately 8:45 a.m., local time, against a British Cathay Pacific defenseless and unarmed commercial airliner and its passengers. Occurring over international waters about 30 miles south of Hainan Island, this unprovoked and unwarranted attack resulted in the killing of three United States citizens, including two children of the tender ages of 2 and 4 years."

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4 years, and the wounding of three other U.S. citizens, including a child age 6.

"In behalf of the U.S. Government appropriate punishment is demanded of all persons bearing responsibility for this criminal attack, as well as compensation for the victims and the family of those killed. A further demand is made that measures be taken to guard against repetition of such an action and that the U.S. Government be informed, through the British Government, of the nature of such measures.

"In a separate communication to the British Government for transmission to the Chinese Communist regime at Peiping, the U.S. Government stated that it had received an official report from the U.S. Naval authorities in the Pacific that at approximately 10:05 a.m., local time, on July 26, 1954, two U.S. carrier-based planes, while searching the area where the British airliner had been shot down near Hainan July 23, were attacked and fired upon by two Chinese Communist LA-9 aircraft. These are low-wing single seat fighters reported to be the Communists' fastest propeller driven fighters. The incident occurred well over international waters approximately 13 miles from Hainan. U.S. pilots of the search planes report that during this unprovoked and wanton attack a Chinese Communist gunboat also opened fire on the U.S. planes which were engaged on a mission of mercy, searching the area of the first attack for possible survivors of the July 23 assault.

"The United States requested that a most vigorous protest be made to top level authorities of the Chinese Communist regime at Peiping. Demand is made for adequate punishment of those responsible. The further demand is made that immediate, effective steps be taken to assure that there be no repetition of this deplorable attack and that the U.S. Government be informed, through the British Government, as to the nature of these measures.

"The Communist regime at Peiping is informed that the United States reserves the right to present claims for possible damage and injury." (The text of the U.S. aide memoire, handed, on July 27, 1954, by the British Chargé d'Affaires at Peiping to the Chinese Communists, is printed in XXXI *Bulletin*, Department of State, No. 789, Aug. 9, 1954, pp. 196-197.)

On August 4, 1954, the British Chargé d'Affaires at Peiping delivered the following note to the Chinese Communist Foreign Office:

"The United States Government makes further reference to the incident of the shooting down by Chinese Communist military aircraft of an unnamed commercial aircraft of the British Cathay Pacific on July 23, 1954 over the high seas. The Chinese Communist authorities have admitted responsibility for this illegal and wrongful act. Inasmuch as six United States citizens were passengers on this aircraft, three of whom were killed and three others injured as a result of this illegal attack, the Chinese Communist authorities cannot, under established international law, dispose of their responsibility to make compensation to the United States Government by asserting, as they have done, that the mat-

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ter is one between the Chinese Communist and British Governments to be settled through diplomatic channels. The United States Government reiterates its demand that the Chinese Communist authorities (1) declare the measures that will be taken to guard against repetition of such attacks, including the appropriate punishment of all persons having responsibility for the criminal attack, and (2) make provision for the compensation of the United States nationals who were injured and for the families of the United States nationals who were killed in this wanton attack."

On the same day, the Department of State explained:

"The U.S. Government, in its note delivered at Peiping on August 4, deemed it necessary to invoke universally recognized rules of international law for protection of interests of U.S. nationals as well as U.S. Government interests. Although the aircraft was British, six passengers were U.S. citizens, and the killing of three and the injury of the remaining three by the Chinese Communists constitute a wrong to the United States and its citizens in violation of international law that must be and is protested by the United States and for which the United States demands redress."

The "Central People's Republic of China" claimed that the unfortunate incident was "entirely accidental" and, after expressing regret and sympathy, stated that it was willing to give consideration to the payment of appropriate relief and compensation for the loss of life and property involved.

The Government of the United Kingdom subsequently accepted a lump sum of 367,000 pounds which it distributed among the claimants. It paid to Mrs. Parish and her minor daughter, jointly, the sum of \$123,928.00, and to Mr. Thacher the sum of \$9,436.00.

Department of State press release No. 404, July 24, 1954, XXXI *Bulletin*, Department of State, No. 788, Aug. 2, 1954, p. 165; Department of State press release No. 406, July 26, 1954, *ibid.*, No. 789, Aug. 9, 1954, p. 196; Department of State press release No. 410, July 27, 1954, *ibid.*; Department of State press release No. 420, Aug. 4, 1954, *ibid.*, No. 790, Aug. 16, 1954, pp. 241-242; MS. Department of State, file 941.523, and file 200.1122 Parish, Emma Frances.

"1. It [This Case] is put forward by the United States of America on behalf of George W. Hopkins, who was born and has ever remained an American national. The claim is based on six postal money orders aggregating 1,013.40 pesos alleged to have been purchased by the claimant from the Mexican Government at its post offices of Mazatlán, Sinaloa, and Guaymas, Sonora, between April 27, 1914, and June 8, 1914, inclusive. It is alleged that all of these money orders were in due time presented to the Mexican authorities and payment was refused by them. The ground of the motion to dismiss is that these money orders were issued by the Huerta administration, which was illegal, that the acts of such administration did not bind Mexico, and that there

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